

# EXHIBIT 3



## State of Ohio Environmental Protection Agency

## STREET ADDRESS:

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P.O. Box 1049  
Columbus, OH 43216-1049

October 22, 2004

RECEIVED

OCT 25 2004

LAW DEPT

**Via Certified Mail**

Mr. Neal Roundtree  
Goodyear Tire and Rubber Company  
1144 East Market Street  
Akron, Ohio 44316

**RE: Proposed Administrative Consent Order for Remedial Investigation and Feasibility Study and Remedial Design and Remedial Action - Jackson County Landfill Site, Jackson County, Ohio**

Dear Mr. Roundtree:

Ohio EPA's Division of Emergency and Remedial Response staff has informed me of contamination at the property located at the southeast quarter of Section 13, Liberty Township, Jackson County, Ohio ("Site"). Samples were taken from selected leachate seeps at the former Jackson County Landfill located at the Site. The samples revealed benzene, arsenic and lead above Maximum Contaminant Levels ("MCLs"), the maximum permissible level of a contaminant in water delivered to any user of a public water system. Aluminum, iron, nickel, zinc, and ammonia were detected in excess of their water quality standard.

Enclosed you will find proposed Final Findings and Orders ("Orders") requiring the commencement and completion of a remedial investigation and feasibility study ("RI/FS") and remedial design and remedial action ("RD/RA"), authorized under Chapters 3734 and 6111 of the Ohio Revised Code. This RI/FS and RD/RA would delineate the extent of contamination and would require remediation of said contamination, including those portions that may extend beyond the property currently owned by Sanitation Commercial Services ("SCS"), J. Gregory Fields, Shawn Sexton, and Melissa Sexton. These proposed Administrative Orders set forth the responsibilities and obligations of The Goodyear Tire and Rubber Company, SCS, J. Gregory Fields, Shawn Sexton, Melissa Sexton, and the Ohio EPA until the Work set forth in the Orders is complete. I believe this to be the best method for the parties to work cooperatively toward addressing the environmental concerns at the Site.

If the parties should decide not to enter into an agreement with the Agency, this offer will be withdrawn, and I will consider other enforcement options to achieve the investigation, study, design, and remedial action objectives identified for the Site. Because this letter and

Bob Taft, Governor  
Jennette Bradley, Lieutenant Governor  
Christopher Jones, Director

the enclosed document summarize a proposed settlement offer, I would consider them to be inadmissible in any enforcement action that may be taken by the State.

Please review the attached document carefully. If you have any questions concerning the proposed Consent Order, or would prefer to meet with Agency staff to discuss the particulars of this proposal, please contact Ann M. Wood, of Ohio EPA's Legal Office at (614) 644-3037 within fourteen (14) days after your receipt of this letter.

I look forward to achieving a prompt, mutually agreeable resolution of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Jones". The signature is fluid and cursive, with the first name "Chris" and last name "Jones" clearly distinguishable.

Christopher Jones  
Director

Enclosures

cc: Ann M. Wood, Legal, CO  
Chris Osborne, DERR, SEDO  
Robin Roth, DERR, CO  
Win Colbert, Esq.